

10 JUL 1978

Honorable Birch Bayh, Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing in response to your request for my views on Title IV of H.R. 12240, the "Intelligence and Intelligence-Related Program Authorization Act for FY 79," which passed the House on 6 June 1978.

Title IV of H.R. 12240 deals with the admission of aliens into the United States who are ineligible and excludable under paragraphs 212(a)(27), (28) or (29) of the Immigration and Nationality Act (8 U.S.C. 1182(a)). Title IV of the bill would require the Attorney General to notify the Intelligence Oversight and Judiciary Committees of the House and Senate whenever such an alien is, in the opinion of the Attorney General excludable, but is nevertheless admitted. There is no comparable provision in S. 2939, the Senate intelligence authorization bill.

In reporting on this title, the House Permanent Select Committee on Intelligence commented on the counterintelligence priorities of the nation as they related to the visa process. The Committee went on to say the procedure contained in this legislation might bring a more balanced perspective to the decision-making process regarding the admission of aliens into the United States. (H.R. Report No. 1075 (Part I), 95th Cong., 2d Sess. (1978).) The problem of admission of aliens who may be foreign intelligence agents, and the implications for our counterintelligence and foreign intelligence programs, are currently being considered by the Special Coordination Committee for Counterintelligence (SCC/CI) under the NSC, in accordance with the mandate contained in section 1-304 of Executive Order 12036.

The interest of the House Permanent Select Committee on Intelligence in finding a proper balance between an open policy with regard to the admission of aliens and fundamental national security interest is important and appreciated. It is my recommendation, however, that in lieu

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of enactment of Title IV and its statutory reporting requirement, the Executive Branch consultation process be permitted to complete its work, after which, in a continuing effort to keep the oversight committees fully and currently informed, we will be glad to share with you our thinking. In my opinion, consideration of this issue is better left to the agenda of the SCC where all facets of the problem will be fully addressed. For this reason, I oppose retention of Title IV in the intelligence authorization legislation.

This letter reflects the views also of the Departments of State and Justice. The Office of Management and Budget has advised there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

SIGNED
SCANSFIELD TURNER

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